

NATIONAL FOREIGN ASSESSMENT CENTER

WASHINGTON, D. C. 20505

5 NOV 1981

Director

MEMORANDUM FOR: Chief, Records Management Division
Office of Information Services, DDA

SUBJECT : Information Security Oversight Office (ISOO)
Draft to Replace Executive Order 12065

REFERENCE : OIS 81-777/4, 29 October 1981

1. We have reviewed ISOO's draft proposal to replace E.O. 12065, and while it is very similar to the version prepared by the Intelligence Community (IC) working group, there are several differences which require comment:

- 1-103. ISOO's draft addresses the need to classify information when in doubt. However, it does not deal with the need to protect information at the higher level when there is doubt concerning the appropriate level of classification. The IC working group draft language is preferred. x ✓
- 1-301. We question why ISOO's draft omitted two classification categories which were contained in the IC working group version; the jeopardy and U.S. Secret Service protective mission statement. x ✓
- 3-301. This section is confusing. First it requires agencies to provide systematic declassification review guidelines to the Archivist. It then goes on to say the Secretary of Defense and the Director of Central Intelligence may establish special procedures for specific types of classified information. However, ISOO's draft says nothing should Defense and CIA elect not to establish special procedures. The IC working group draft was more explicit and would avoid additional confusion to a controversial program. x
- 3-401. Earlier drafts of the IC working group restricted mandatory review for declassification to information which was at least ten years old, an E.O. 11652 provision. However, the final draft dropped this key provision and ISOO's draft likewise omits the ten-year limitation. We strongly suggest this provision be included in the new Executive Order. x

4-104. We request clarification of the term "classified information" as it applies to the third agency rule. If it pertains to classified documents or material being disseminated to another agency, we have no problem. However, given the definition in 6-103, the literal application of this rule would impose severe restrictions on this Directorate's ability to fulfill its primary mission. /

2. The Intelligence Community working group draft suggested a reduction in ISOO's oversight responsibilities, and we wonder what experiences ISOO has had to justify their position to increase these responsibilities under the new Executive Order. /

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John N. McMahon
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